



# City of Carmel

## MINUTES

### Carmel Board of Zoning Appeals

#### Regular Meeting

Tuesday, January 26, 2010

6:00 pm

Council Chambers

**Present:** James Hawkins, President  
Kent Broach  
Leo Dierckman  
Earlene Plavchak  
Madeleine Torres  
Connie Tingley, Recording Secretary

**Staff:** Mike Hollibaugh, Director, Department of Community Services  
Christine Barton-Holmes, Planning Administrator  
Rachel Boone, Planning Administrator

**Legal Counsel:** John Molitor

#### Election of Officers:

On a motion made by Madeleine Torres and seconded by Kent Broach:

**James Hawkins be elected President of the Board of Zoning Appeals.**

**MOTION CARRIED UNANIMOUSLY**

On a motion made by Madeleine Torres and seconded by James Hawkins:

**Kent Broach be elected Vice-President of the Board of Zoning Appeals.**

**MOTION CARRIED UNANIMOUSLY**

#### Previous Minutes:

On a motion made by Madeleine Torres and seconded by James Hawkins:

**The Minutes for the meeting dated November 23, 2009 were approved as circulated.**

**MOTION CARRIED UNANIMOUSLY**

#### Department Report: Christine Barton-Holmes

- Item 2, PFM Car & Truck Care Center tabled by mutual agreement between interested parties, adjoining neighbors, Petitioner, and Department until February 22, 2010
- Item 7, IMPA Renewable Energy Project tabled until February 22, 2010
- Item 11, Meridian & Main tabled until March 22, 2010, depending upon final design, additional notice may be required
- Item 12, Home Place Monon Gardens tabled until March 22, 2010
- Item 24, Long Branch Market w/Kroger (Altum's site) tabled at Department's request until February 22, 2010; working through Plan Commission process
- Item 1i, 646 Johnson Drive Appeal tabled indefinitely

**Legal Report: John Molitor**

- Working on response to writ of certiorari on case involving proposed cell tower on Towne Road
- May need Executive Session regarding pending litigation with American Tower

**Public Hearing:**

**1. Ryland Model Home Extension**

The applicant seeks the following development standards variance approval:

**Docket No. 09120010V      25.16.02      Extension of model home opening**

The site is located at 13801 Palo Alto Court and is zoned R2/Single-Family Residential on 0.18 acre.

Filed by RH of Indiana.

**Present for the Petitioner:**

**Kenny Windler**, Vice President Operations, Ryland Homes

- Extend model home permit for Stanford Park
- Extend use of current model home

**Public Hearing Closed**

**Department Report:**

**Christine Barton Holmes:**

- Extend model home use until all lots are sold
- More time needed; usually need 36 months

**Department recommended positive consideration**

**Motion:** On a motion made by Leo Dierckman and seconded by Earlene Plavchak:

**Docket No. 09120010 V Ryland Model Home Extension, be approved.**

**MOTION CARRIED UNANIMOUSLY**

**2. PFM Car & Truck Care Center      TABLED until February 22, 2010**

The applicant seeks the following use variance approval:

**Docket No. 09120011 UV      PUD Z-500-06      Vehicle repair not permitted in PUD**

The site is located at 1441 South Guilford Avenue on 6.45 acres and is zoned PUD.

Filed by Jon Dobosiewicz of Nelson & Frankenberger, LLC for Five J LLC.

**3. Meridian Pointe**

The applicant seeks the following use variance and development standards approvals:

**Docket No. 09120012 V      20G.05.05.B      Increased front yard setback**

**Docket No. 09120013 V      20G. 05.05.B.3      Increased building footprint**

**Docket No. 09120014 V      26.05      Decreased bufferyard**

**Docket No. 09120015 UV      Appendix A: Use Table      Multifamily in OM/O District**

The site is located at 12346 Old Meridian on 6.25 acres and is zoned Old Meridian/Office District.

Filed by Mary Solada for Carmel Development I, Inc.

**Present for the Petitioner:**

**Mary Solada**, Bingham McHale LLP

- 2007 variance approvals for different applicant for proposed office development
- Prominent, odd-shaped, low lying parcel

- Surrounded by shopping center, Meijer store, Sunrise Retirement development
  - Adjacent north parcel owned by Meijer
  - Covenants limiting parcel to drainage
- Frontage on Old Meridian Street with secondary on Pennsylvania
- Use Variance for 4-story, 174 luxury apartment building
  - Seeking LEED certification
  - Current zoning permits offices, but not apartments
  - Little demand and no financing available for offices
  - Current Code and proposed SmartCode both support mixed use
  - Area businesses could benefit from more residences
  - SmartCode encourages walkability and connection of sites for trip reduction
  - Surrounding amenities used by residents
  - Would help grow tax base
- Development Standard Variance: setback
  - Zoning code requires 20-foot setback from Old Meridian
  - Proposed 15.75-foot setback
  - Original approval was 10-foot setback
- Development Standard Variance: building footprint
  - Zoning code maximum 15,000 square feet
  - Proposed 59,000 square feet for 4-stories and design (70% lot coverage)
  - Under proposed SmartCode up to 80% lot coverage permitted
- Development Standard Variance: bufferyard reduction
  - Reduced from 15 feet to 10 feet along Pennsylvania
- Packets included zoning location map
- Statement of support outlines development type, amenities available, targeted market and preliminary renderings
- Have filed DP/ADLS applications

### **Public Hearing Closed**

#### **Department Report:**

##### **Christine Barton Holmes:**

- All variances are for residential parcel; not overall master plan
- Size and shape of parcel present development difficulties
- Use is not permitted, but is in keeping with overall character of area and Old Meridian Corridor Plan, Comprehensive Plan and proposed SmartCode

### **Department recommended positive consideration**

#### **Discussion:**

- Variances instead of rezoning process
- Plan Commission more appropriate to consider project
- Proposed SmartCode would allow project, taking longer for approval than projected
- SmartCode would need approval by City Council by March 15
- DP/ADLS process might explain hardship at March 22 meeting
- Possible rezone to Old Meridian Multi-Family
- Keep current zoning with proposed variances

- Setback and bufferyard variances similar to other Old Meridian parcels
- Not first residential use: Sunrise, Providence, townhomes on Main Street
- With reduced bufferyard, committed to same amount of landscaping
- Old Meridian right-of-way lines not straight or central, making reduced setback
- Providence Shops have same setback
- Urban setbacks
- Small portion of parking encroaches into Pennsylvania setback
- If SmartCode in effect, variance on Pennsylvania would not be needed

**Motion:** On a motion made by James Hawkins and seconded by Madeleine Torres:

**Docket Nos. 09120012 V through 09120014 V and 09120005 UV, Meridian Pointe, be approved.**

**MOTION CARRIED 4-1 (Dierckman negative vote)**

**7. IMPA Renewable Energy Project TABLED until February 22, 2010**

The applicant seeks the following special use approval:

**Docket No. 09120016 SU 25.13.01.A Tower in business district**

The site is located at 11610 North College Avenue on 3.94 acres and is zoned B6/Office/Commercial.

Filed by Scott Perkins of Perkins VonDeylen Architects for the Indiana Municipal Power Authority.

**8. College Park Church Expansion**

The applicant seeks the following development standards and special use amend approvals:

**Docket No. 09120017 V 05.04.01 Increase in building height**

**Docket No. 09120018 V 05.04.03.F Increase in lot coverage**

**Docket No. 09120023 SUA Appendix A Addition to existing acreage**

The site is located at 2606 West 96<sup>th</sup> Street on 32 acres and is zoned S1/Single-Family Residential.

Filed by Gregory P. Cafouros of .Kroger Gardis & Regis, LLP for College Park Church, Inc.

**Present for the Petitioner:**

**Greg Cafouros**, Kroger, Gardis & Regis, LLP, **Bruce Smith**, Executive Director of Operations, College Park Church, **Scott Lee**, architect with Aspen Group, and **Mark Thorpe**, Schneider Corporation

- Site plan shown
- Experienced growth in membership requiring expansion to 1800-seat sanctuary
- Additional parking including paving of gravel area
- Added 3 acres to northern boundary
- Met with neighbors regarding plans
  - Principle concern was construction of roundabout at 96<sup>th</sup> Street and Towne Road
- Height 7.8-foot increase above the 35 feet permitted
  - For structural and architectural necessity
  - Similar to height of other structures in the area
- Lot coverage increases, but to an amount less than approved in 2003
  - 49 percent lot coverage including paving and new structure
  - 60 percent was approved in 2003
- Special Use Amendment covers the additional 3 acres
- Perspective views of site available in packet
  - Looped prayer trail in northwestern quadrant

- Open to the public and attached to the existing bike path along 96<sup>th</sup> Street and onto Towne Road
- Extension of bike path along western boundary will attach to the prayer path
- Anticipate bike path will connect to sidewalks to be built as part of the roundabout in the southeastern quadrant
- In negotiations with Alternative Transportation & Engineering on technical design of bike path
- Missing some TAC comments; will deal with those as received
- Additional top soil mound from this construction may be used for children's sledding hill; possibly in northwestern section
  - Not shown on plan; new development

### **Public Hearing Closed**

### **Department Report:**

#### **Christine Barton Holmes:**

- Addition almost doubles size of existing facility
- Reduction from previous requests
- Currently 29 acres
  - Special Use Amendment for additional 3 acres making church use for entire property
- If property zoned commercial, would be permitted significantly more lot coverage
  - Proposed is eleven percent less than previous approval
- Working closely with Petitioner on type of paths on site and linkage
- Sledding hill would need approval from Engineering Department regarding drainage
- Site is large enough and heavily forested to screen additional building and parking

### **Department recommended positive consideration**

#### **Discussion:**

- Berm needed to keep sleds out of parking lot
- Part of prayer path already in place
- Some of path modified around future parking
- Parking, traffic and curb cuts
  - Current entrance at southern curb cut on Towne Road
  - Met with County Highway Department regarding curb cuts and coordinating with roundabout project
  - New curb cut for northern entrance on Towne Road
  - Curb cut east on 96<sup>th</sup> Street as well as existing lift station with small curb cut
  - Western entrance would be new; currently two residential lots
  - After roundabout construction, two entrances closest to roundabout will have limited right in and right out
  - North and west entrances will have full in and out access
- Everyone on adjoiner list was invited to neighborhood meeting
  - Homeowners Association President from Marion County side of 96<sup>th</sup> Street concerned with eminent domain takings and timing for roundabout
  - Feel roundabout will help with Sunday morning traffic
- Long narrow strip on western boundary private property between church and subdivision

- That subdivision received public notice
- Adjacent properties need notification
- Public Hearing sign was on property
- Construction anticipated in summer

**Motion:** On a motion made by Kent Broach and seconded by Leo Dierckman:

**Docket Nos. 09120017 V, 09120018V and 09120023 SUA, College Park Church Expansion be approved.**

**MOTION CARRIED UNANIMOUSLY**

**11. Meridian & Main TABLED UNTIL MARCH 22, 2010**

The applicant seeks the following development standards variance approvals and use variance approval:

**Docket No. 09050012 V 23B.08.03.A.1 Building height under 26'/one occupiable floor**

The site is located at 1440 Main Street West and is zoned B6 within the US 31 Overlay.

Filed by Joseph Scimia of Baker & Daniels and James Browning of Browning Investments for Meridian 131, LLC.

**12. Home Place, Lots 26,26,40,47,48,100 (The Monon Gardens) TABLED UNTIL MARCH 22, 2010**

The applicant seeks the following use variance and development standards variance approvals:

**Docket No. 09110001 UV Section 9.01.01: permitted uses; to permit multi-family uses on multiple lots**

**Docket No. 09110002 V Section 9.04.03.F: exceeding maximum 35% lot coverage per lot**

**Docket No. 09110003 V Section 9.04.03.D.1: reducing rear setback from 20' to 5' & 10' per lot**

**Docket No. 09110004 V Section 9.04.03.G: minimum ground floor area, 800 s.f./dwelling**

**Docket No. 09110005 V Section 9.04.3.a: reducing front setbacks from 30' to 10' per lot per frontage**

**Docket No. 09110006 V Section 26.02.05: distance between multi-family buildings on same lot**

**Docket No. 09110007 V Section 26.04.06: reduction of perimeter bufferyards for overall development**

The site is located near 10505 Cornell Ave. and is zoned R-3/Residence within the Home Place Overlay.

Filed by Scott Leopold of Leopold Building Group.

**19. CVS Pharmacy at Rangeline Rd**

The applicant seeks the following development standards variance approvals:

**Docket No. 09110010 V Section 23F.06.02: building must occupy a minimum 70% of frontage**

**Docket No. 09110011 V Section 27.08: required number of parking spaces**

**Docket No. 09110012 V Section 25.07.02-10(b): total number of signs for building**

**Docket No. 09110013 V Section 25.07.02-10(b): sign facing north (not toward right of way)**

**Docket No. 09110014 V Section 23F.08.01: minimum 0.5 Floor Area Ratio (FAR)**

The site is located at 1421 S. Rangeline Rd. and is zoned B-8/Business, within the Carmel Dr. – Rangeline Rd. Overlay Zone. Filed by Craig Forgey of Gershman Brown Crowley, Inc.

**Present for the Petitioner:**

**Charlie Frankenberger and Jon Dobosiewicz, Nelson & Frankenberger and Tom Crowley and Craig Forgey, Gershman Brown Crowley**

**Charlie Frankenberger:**

- Aerial photo of 1.2 acre site
- Redevelop by replacing existing CVS and Taco Bell with new CVS
  - Architecture not consistent with Range Line Road
  - Traffic circulation and parking difficult
- Proposed site plan

- DP/ADLS approvals needed from Plan Commission
  - Have been referred to Special Studies Committee
- Small, challenging site
  - Topography difficult with north section 12 feet higher than south end of parcel
- New CVS brought up close to Range Line Road and Medical Drive
- Parking north; behind building line of new building and landscaped hedgerow
- Drive-thru east side; fully screened from Range Line Road by the building
- East cut needs cooperation of eastern owner
- Lengthy discussions between Department and CVS
  - Two stories; pulled up to both streets
  - On-street parking; urban character
  - Architectural consistent with Range Line Road Overlay
    - Unique design

**Jon Dobosiewicz:**

- Variances related to signage
  - Sign #1 at northwest corner of building
  - Sign #2 ten square feet blade sign
  - Sign #3 at intersection Range Line Road and Medical Drive
  - Sign #4 second blade sign
  - Various perspectives shown of signs on building
    - Southbound Range Line Road traffic see Signs #1 and #2, with #3 obscured
    - Westbound Medical Drive traffic see Sign #4, with #3 obscured
  - Sign #1 needs variance for facing north
- Variances related to site development standards
  - Occupies less than 70% frontage on Range Line Road
    - Need to provide adequate parking
    - Addresses size and shape of building
  - Required number of parking spaces
    - 62 spaces provided plus 9 additional on-street spaces
    - Lesser spaces common in urban areas; some with no parking
    - Sufficient for use
  - Floor Area Ratio (FAR)
    - Required half acre building per acre parcel
    - Competing interests: relationship between building size, amount of parking, amount of frontage
    - 14,000 square feet first floor, with 9,000 upstairs
    - 44.1 to 44.2 percent FAR
    - Additional floor area requires additional parking, making frontage smaller

**Public Comments – Favorable:**

**Kevin Rider**, 1473 Second Way, City Council member, Plan Commission member

- Project better served by common sense
  - Not necessary to expand floor area if not going to be used
  - No second entrance
    - Corner entrance takes away interior wall and floor space
- Signage: looking for character along Range Line
- City brought in architect

- CVS designed project by guidelines given
- Zoning is guideline; does not need to be specific

## **Public Hearing Closed**

### **Department Report:**

#### **Rachel Boone:**

- Discrepancies in sign package
  - Some signs shown would require more variances
    - Sign #7 for pharmacy; 12 square feet facing east; not right-of-way
    - Potentially over permitted square footage for site
  - Directional signs #11-14 are 3feet 4 inches tall; 4 inches too tall for directional signs
- Support sign facing north (09110013 V)
- Do not support additional blade sign for total number of signs (09110012 V)
  - Two wall signs facing north and south provide adequate identification for traffic

**Department recommended positive consideration of 09110013 V and negative consideration of 0911012 V**

#### **Christine Barton-Holmes:**

- Support less than 70% frontage (09110010 V)
  - Occupies less than half of Range line Road frontage
  - Overall size, height and massing on corner mitigate frontage
- Support required number of parking spaces (09110011 V)
  - 82 spaces required
  - More people walking to services provided
- Department concerns with long view for area with regard to FAR
  - Building meets intent of Ordinance
    - Encourage and speed up urban maturation
    - Buildings become more dense
    - Wider and more uses
    - Closer to street and area becomes more pedestrian friendly
    - Comprehensive Plan calls for full two-story building to host mix of uses; rather than height requirement for storage
    - Intent is to create a useable, viable pedestrian corridor
  - Have been working on issue of the door
    - Building as submitted is improvement over current building
    - Not convinced it is deviation from other CVS buildings in urban locations
    - Not asking for two doors; one door where people would expect door at corner of Medical Drive and Range Line Road
    - Studied distances people walk for building entrances
    - Other corner buildings with corner entrance and parking in back
    - Street presence is critical issue
    - No concrete facts or figures as to why door cannot go on corner
    - Important for overall development of corridor

**Department recommended positive consideration of 09110010 V and 09110011 V and negative consideration of 0911014 V**



**Discussion:**

**Mike Hollibaugh**, Director, Department of Community Services

- Building improved after discussions
- Architect hired to strike balance
  - Department satisfied with project, except door issue of how people enter the building
  - Second door never intended
  - Prevent significant two-story building designed to back up to street corner
  - Eliminates good pedestrian access to the building
  - John Mosley, local architect, developed site plan for balance between proposed designs
    - Similar drive-thru on east side
    - Entrance shifted to mid-point on Range Line Road
    - Shifts building to north for balance in parking
    - Variations on exterior of building to be more pedestrian friendly
    - Sidewalks under covered walkway; centralized north and south access
    - Dumpster and drive-thru at back of building
  - Potential compromise: not accepted by CVS
    - Access to second floor with second entrance at south end
    - Live corner easily maintained
    - Department wants centralized entrance by shifting parking
    - Consistent with urban design for the Range Line Road Overlay
    - Functional second floor not part of CVS plans
    - Photos shown of existing Midwest CVS stores with two entrances
    - Issue of pedestrian access and building backing onto the corner non-negotiable for CVS

**Rebuttal to Department comments:**

**Charlie Frankenberger**

- Second entrance not feasible or required; only handful among over 7,000 stores nationwide
- Variances are for signage, floor area ratio (FAR) and frontage
- Proposed building follows intent of Overlay
  - Many meetings with Department to explore and vent concerns
    - No concern expressed over Floor Area Ratio (FAR)
    - Thought only concern was intersection entrance
    - Plan Commission said intersection entrance not necessary

**Tom Crowley**

- Worked hard with Staff
- Makes no sense to build more square footage on second floor that will not be leased
- Combining two stores; making very high volume store
- Second entrance would require steps inside the building
  - Lose square footage for counter and cooler space
  - Not many pedestrians on Range Line Road

**Jon Dobosiewicz**

- Staff objects to blade sign along Range Line Road
- No request for east sign on drive-thru; would need additional variance
  - Enter and exit signs face south

- Moved away from corporate branding; making signage very important
- Proposed signage meets way-finding needs and character for Overlay
- Entrance at corner does not enhance walkability
- Building pulled up to street with street entrance
- Provides attractive streetscape with windows and pedestrian scale
- Pedestrian commute to building not impacted by entrance location
- Street entrance, on-street parking, bicycle parking and parking lot provided
- Street elevation permeable with windows, pedestrian character, attractive streetscape; meets intent of Overlay
- FAR balancing act providing frontage, building size and adequate parking

**Discussion:**

- Entrance location indicated
- Pharmacy counter indicated at east end by drive-thru
  - Patrons must walk to back of store
  - No other location for drive-thru
  - Flipping building would require less walking
  - Presented layout efficiently meets store needs
- Multiple entrances would not work at this location
- CVS cannot locate elsewhere because of lease radius restrictions
  - Very expensive ground lease and building
  - Fifteen years left on lease
  - Taco Bell moving from adjoining parcel
- Second entrance makes store easier to rob
- Second floor could be office space for dentists, doctors, etc. creating ready flow to drugstore
  - Second entrance valuable for rental
  - Not focus of CVS; will be used for storage
  - Would require more parking
  - Second entrance shrinks available first floor space
- Department has not been insistent on two doors
  - Concern is location of main door
  - Central door harder for access from parking lot
  - Second door could be added in the future if economically feasible
- 14,000 square feet first floor; 9,000 square feet second floor
  - Full second floor (additional 5,000 square feet) requires additional 25 parking spaces
  - Demand does not exist; not financially reasonable at this time
- CVS has ground lease for property; will own building
- City spent excess time on issue that cannot be considered at this meeting
  - Corner door not part of any variance
  - If building shifted according to City's suggestion, 70% frontage variance would not necessarily apply
    - Design issue for Plan Commission
    - Frontage issue is design issue for BZA
- Sign at corner of Range Line and Medical Drive is misleading
  - Does not require variance
  - Stone element and brick cap addresses confusion for entrance
- Sign variance for northwest corner sign; facing north

- Southwest corner sign (Range Line & Medical Dr) facing west
- Blade sign facing south
- If southwest sign eliminated, then blade sign on Range Line facing west would be okay
- Issue is number of signs; two wall signs or one wall sign and one blade sign
- Decorative blade sign lettering illuminated at night
- Directional signs will meet sign height requirements
- Interior window signage
  - Will follow Ordinance standards; graphics presented to Plan Commission
  - Urban graphics on wall behind vision glass; backdrop area
- Small office provided for Minute Clinic; not requirement
  - Hard to staff; may be added
  - Could provide community education

**Motion:** On a motion made by Earlene Plavchak and seconded by Madeleine Torres:

**Docket Nos. 09110010 V through 09110014 V, CVS Pharmacy at Range Line Road, be approved with the Commitment there will be no signage ever attached to the window panes at CVS on Range Line Road and Medical Drive.**

**MOTION CARRIED UNANIMOUSLY: Docket Nos. 09110010 V, 09110011 V, 09110014 V**

**MOTION CARRIED 4-1: Docket Nos. 09110012 V, 09110013 V, (Dierckman negative vote)**

**24. Long Branch Market w/ Kroger (Altum's site) TABLED UNTIL FEBRUARY 22, 2010**

The applicant seeks the following development standards variance approvals:

<b>Docket No. 09110015 V</b>	<b>Section 23C.03.B:</b>	<b>maximum 75% gross floor area permitted for retail uses</b>
<b>Docket No. 09110016 V</b>	<b>Section 23C.08.02:</b>	<b>maximum building setback from US 421 right of way</b>
<b>Docket No. 09110017 V</b>	<b>Section 25.07.02-08.b:</b>	<b>Frontage on a public street</b>
<b>Docket No. 09110018 V</b>	<b>Section 25.07.02-08.b:</b>	<b>three signs for a single tenant building (anchor tenant)</b>
<b>Docket No. 09110019 V</b>	<b>Section 25.07.02-08.b:</b>	<b>three signs facing west (anchor tenant)</b>
<b>Docket No. 09110020 V</b>	<b>Section 25.07.02-08.c:</b>	<b>maximum sign area (anchor tenant)</b>
<b>Docket No. 09110021 V</b>	<b>Section 25.07.02-8.G:</b>	<b>type of changeable copy for a sign</b>
<b>Docket No. 09110022 V</b>	<b>Section 25.07.02-11.g:</b>	<b>copy, multi-tenant building complex directory sign</b>
<b>Docket No. 09110023 V</b>	<b>Section 25.07.02-11.d:</b>	<b>maximum height of multi-tenant building complex sign</b>
<b>Docket No. 09110024 V</b>	<b>Section 23C.03.B:</b>	<b>drive-thru location on buildings</b>
<b>Docket No. 09110025 V</b>	<b>Section 23C.14.07:</b>	<b>perimeter fence design</b>

The site is located at 11335 N. Michigan Rd. It is zoned B-3/Business and located within the US 421/Michigan Rd. Overlay Zone. Filed by Robert Barker of Zinkan & Barker Development Co., LLC.

**35. Convenience Centers 808 W Main**

The applicant seeks the following development standards and use variance approvals:

<b>Docket No. 09120029 UV</b>	<b>Appendix A: Use Table</b>	<b>Gas station in OM/MU District</b>
<b>Docket No. 09120030 V</b>	<b>25.07.02-14 LED ground sign</b>	<b>TABLED UNTIL MARCH 22, 2010</b>
<b>Docket No. 09120031 V</b>	<b>25.07.02-09 Multiple signs per frontage</b>	<b>TABLED UNTIL MARCH 22, 2010</b>

The site is located at 808 West Main Street in the OM/MU District on 1.75 acres.

Filed by Eric Harvey of Tharp Investments.

**Present for the Petitioner:**

**Eric Harvey, Tharp Investments**

- Rebuild retail petroleum dispensing facility – gas station
- Aerial map shown
- 13,000 retail commercial center
  - Approximately 25 years eastern 3500 square feet was Marathon Convenience Store and Gas Station
    - October 2008 petroleum leak; site closed
    - Contamination remediated
    - Everything dug up, excavated and removed
    - Parcel repaved
    - Soil and groundwater monitoring ongoing with Department of Environment Management
    - Rebuild would not interfere with monitoring
  - Gas station closed just over one year; does not qualify for legal non-conforming use
- Proposed site plan shown
  - Rebuild gas facility in same location
  - Proposed rendering with Shell branding
  - One additional pump
    - Angled to provide better flow through the site

### **Public Hearing Closed**

### **Department Report:**

#### **Christine Barton Holmes:**

- Gas station in operation many years
- Following spill, could not re-open within the one year deadline for non-conforming use
  - Use outlawed by Old Meridian District during years of operation
  - Essentially a continuance of use
- Variances tabled at request of Department
  - Work on sign package
  - File ADLS/DP Amendment with Plan Commission
- Fourth pump only concern
  - Might reduce maneuvering room
  - Increased traffic difficult for fuel trucks
  - Fuel truck maneuvering plan shown

### **Department recommended positive consideration**

### **Discussion:**

- Possibility of working with three pumps
- Fourth pump tight with two-way traffic for center
  - Additional pump east of original three pumps
  - Canopy extended
  - Does not affect maneuverability of site
  - Will be addressed by engineer in development process

**Motion:** On a motion made by James Hawkins and seconded by Madeleine Torres:

**Docket No. 09120029 UV, Convenience Centers 808 W, Main, gas station in OM/MU District, be approved.**

**MOTION CARRIED UNANIMOUSLY**

**I. Old Business**

**1. 646 Johnson Drive Appeal TABLED INDEFINITELY**

The applicant seeks the following permit issuance appeal:

**Docket No. 09020014 Appeal Appeal of Permit No. 09010003 Accessory Structure Size**

The site is located at 646 Johnson Drive and is zoned R1/Single-family residential

Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.

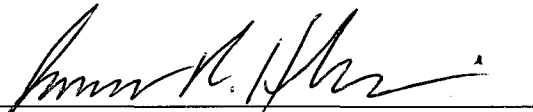
**Motion:** On a motion made by Madeleine Torres and seconded by James Hawkins:

**The meeting be adjourned.**

**MOTION CARRIED UNANIMOUSLY**

The meeting adjourned at 8:20 PM.

Approved this 22 day of February 2010.

  
\_\_\_\_\_  
President - James R. Hawkins

  
\_\_\_\_\_  
Secretary - Connie Tingley